

In the Sixteenth Year of the Reign of **GEORGE** the Third, KING, &c. 1776.

Militia.

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ACTS AND LAWS,

Passed by the Great and General Court or Assembly of the Colony of the *Massachusetts-Bay*, in *New-England*: Begun at *Worcester* in the County of *Middlesex*, on Wednesday the Nineteenth Day of July, Anno Domini, 1775. And from thence continued by Adjournments to Wednesday the Twenty-ninth Day of November following, and then met.

CHAP. I.

An Act for forming and regulating the Militia within the Colony of the *Massachusetts-Bay*, in *New-England*, and for repealing all the Laws heretofore made for that Purpose.

WHEREAS it is not only the Interest, but the Duty of all Nations to defend their Lives, Liberties and Properties in that Land which the Supreme Ruler of the Universe has bestowed on them, against the unlawful Attacks and Depredations of all Enemies whatever; especially those who are moved by a Spirit of Avarice or Despotism:

And whereas the Honorable American Congress have recommended to the United Colonies to put the Militia into a proper State for the Defence of America:

And whereas the Laws now in Force, respecting the Regulation of the Militia, have been found insufficient for the Purposes aforesaid:

1. It is therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, That the several Laws, and the several Paragraphs and Clauses of all and every the Laws of this Colony, enforcing, or any Ways relating to the Regulation of the Militia, be, and hereby are repealed, and declared null and void.

And be it further enacted by the Authority aforesaid, That that Part of the Militia of this Colony, commonly called the Training-Band, shall be constituted of all the able-bodied Male Persons therein, from sixteen Years old to fifty, excepting Members of the American Congress, Members of the Council, and of the House of Representatives for the Time being, the Secretary of the Colony, all Civil Officers that have been, or shall be appointed by the General Court, or either Branch of it, Officers and Students of Harvard-College, Ministers of the Gospel, Elders and Deacons of Churches, Church-Wardens, Grammar School-Masters, Masters of Arts, the Denomination of Christians called Quakers, Select-Men for the Time being, those who have by Commission under any Government or Congress, or by Election in Pursuance of the Vote of any Congress of the Continent, or of this, or any other Colony, held the Post of a Subaltern, or higher Officer, Persons while actually employed as Masters of Vessels of more than thirty Tons Burthen, other than Fishing Vessels, and Vessels coasting in this Colony, and to and from this Colony to the other New-England Governments, Constables, and Deputy-Sheriffs, Negroes, Indians and Mulattoes, and shall be under the Command of such Officers as shall be chosen, impowered and commissioned over them, as is by this Act provided; and the Select-Men, or the major Part of them of each Town, shall be, and hereby are impowered by Writing

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The Council
to divide the
Militia from
Time to Time

Writing under their Hands, to excuse from Time to Time such Physicians, Surgeons, Ferry-men and Millers in their respective Towns, from common and ordinary Trainings, as they shall judge it necessary to excuse: And the Council aforesaid shall from Time to Time, as may appear to them necessary, divide the Militia of each County into Regiments, and alter and divide such Regiments from Time to Time, as they shall judge expedient, after having taken the Opinion, during any Session of the General Court, of such Members of the House as belong to the County where the Division or Alteration is to be made, and as shall be present at the Time of such Consultation.

Three Major-
Generals to
be chosen by
Ballot of ei-
ther House.

2. And be it further enacted by the Authority aforesaid, That there shall be chosen by Ballot from Time to Time, as may be necessary, by either the Council, or House of Representatives of this Colony, with a Negative always resting in either House of Assembly, Three Major-Generals, to rank and command as first, second and third, over the whole Militia thereof; which Major-Generals when so chosen and concurred, shall be commissioned to said Office by the major Part of the Council aforesaid, and the Rank of each of said Generals shall be expressed in his Commission, and said first Major-General, and each of the other Major-Generals shall at all Times have Power in the Absence of their Superior (and not having Orders to the contrary) to draw forth the said Militia, or any Part of them, as the said Generals, or the first in Rank of them present shall judge expedient and necessary for the immediate Defence of this, or any of the United Colonies of America: And the Officers and Soldiers of said Militia, shall pay entire Obedience to their Commands accordingly, under the Penalties hereafter provided in this Act. *Provided always*, That the said Generals and all other Officers of said Militia, shall at all Times be under the Command of the major Part of the Council, and shall in drawing forth, or retaining in Service the said Militia, or any Part of them, be subject to such Orders and Instructions, as they may receive from the said major Part of the Council; unless when the said Militia, or any Part of them, shall be without the Limits of this Colony, they should receive Orders from the House of Representatives for the Time being, to return; and whenever the said Militia, or any Part of them, shall be without the Limits of this Colony, the said House of Representatives shall have full Power and Authority to give Orders for their Return; to which Orders the said Militia, and all the Officers thereof, are hereby required to yield strict Obedience, any Orders to the contrary notwithstanding.

Their Power.

To be under
the command
of the Coun-
cil.

One Brig-
adier General
to be chosen
in each Coun-
ty, in the
same Manner.

3. And be it further enacted by the Authority aforesaid, That the Council or House of Representatives, shall from Time to Time as may be necessary, by Ballot, choose one good and able Brigadier in each County in this Colony, where there shall be more than one Regiment (and where there is but one Regiment in a County, the Council shall join such Regiment to the Militia of any other County as they shall see fit) and such Persons so chosen and concurred, shall be commissioned by the major Part of the Council, in which Commission the Rank of each Brigadier shall be expressed: And the said Brigadiers shall have the same Command over their respective Brigades, as the first Major-General has over the Militia of the whole Colony; and when two or more of said Brigades, or any Number of said Militia shall be together embodied upon any Alarm, the first Officer in Rank who shall be present, shall have the chief Command of the whole.

His Power.

Col. Lt. Col.
& two Majors
to be chosen
in the same
Manner.

4. And be it further enacted by the Authority aforesaid, That there shall be chosen, appointed and commissioned, (as is provided and directed by, this Act for the Choice and Appointment of General Officers) over such Regiment in this Colony, one Colonel, one Lieutenant-Colonel, and two Majors; And the said Field Officers so appointed and commissioned, or the major Part of them, shall forthwith divide and set off the respective Regiments into Companies, as they shall judge expedient, to consist as near as conveniently can be, of sixty-eight Privates, exclusive of those of the Alarm List, and to determine the Rank of each and every Company. *Provided nevertheless*, That no Soldier shall be obliged,

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obliged, without his Consent, to join a Company belonging to any Town in which he has not his usual Place of Abode, unless where there shall not be Privates enough to make a Company of thirty Soldiers, including Officers; in which Case, as also where there are any Persons belonging to a Place not incorporated, they shall be joined to such Company as the Field Officers of the Regiments within which they are, shall see fit. And the Inhabitants of every Town now in, or that shall be in the Continental Army, shall be deemed to belong to, and be a Part of the Companies in their respective Towns, and excused from Duty in the Militia, whilst they continue Part of the Army aforesaid; and each Company, when so formed and set off, shall, together with those of the Alarm List, within the Limits of the same, by Ballot, in the Presence of one of their Field Officers, who shall cause them to be duly notified for that Purpose, and shall preside as Moderator, choose one Captain, and two Lieutenants; which Choice shall immediately be certified to the Secretary by said Field-Officers; and the major Part of the Council thereupon, unless some material Objection against such Choice for any corrupt Practice or Irregularity, shall be made at or before the Time of receiving said Certificates, shall commissionate such Persons pursuant to their Election. And all the said Officers, when so commissioned by the Council, shall in the Absence of their Superiors, have the same Power in ordering, directing and marching their Regiments and Companies, as the first Major-General has over the whole of said Militia: And the Colonel, or commanding Officer of each Regiment, shall as soon as the Captains in his Regiment are commissioned, give them respectively under his Hand in Writing, the Limits of their respective Companies, their alarm Posts, and the Manner of mustering their Companies on all Occasions.

Persons in the Cont'l. Army to be considered as belonging to the Militia.

Each Company to choose their own Capt and two Lieut's, who are to be commissioned by the major Part of the Council.

5. *And be it further enacted by the Authority aforesaid,* That the Field-Officers of each and every Regiment, or the major Part of them, shall recommend to the General Court a good able and skilful Person for Adjutant of their Regiment; and if either House shall by Ballot, elect such Person for that Office, then the major Part of the said Council, shall, when concurred, commissionate him thereto. And in all Cases determinable by Field-Officers of the several Regiments, where there shall be the four Field-Officers of any particular Regiment present; and they shall be equally divided in their Opinions respecting such Matter—the Determination shall be according to the Opinion of the first Colonel.

An Adjutant to be recommended by the Field Officers of each Regiment, & chosen by Ballot of either House, & commissioned by the major Part of the Council.

6. *And be it further Enacted,* That each Company, including the Alarm List, shall be called together by their Captain, or commanding Officer, as soon as may be, for the Purpose of choosing one Clerk, four Sergeants, four Corporals, one Drummer, and one Fifer; and when it shall appear to the Commission Officers of any Company, that either of said Non-commissioned Officers shall neglect his Duty, they may remove and dismiss him from his Office, and call upon their Company, including the Alarm List, to choose another in the Room of such Delinquent; and if the said Company, being called together for that Purpose, shall at any Time neglect, or refuse immediately to proceed to the Choice of one, or more Non-commissioned Officer or Officers, so ordered to be chosen—the Commission Officers of such Company, or the major Part of them, shall by Warrant under their Hands in Writing, appoint said Non-commissioned Officer or Officers, which the said Company shall have refused to choose as aforesaid.

Non-commission'd Officers to be chosen by the Company.

7. *And be it further enacted by the Authority aforesaid,* That each and every Officer, and private Soldier of said Militia, not under the Controul of Parents, Masters, or Guardians, and being of sufficient Ability therefor, in the Judgment of the Select-Men of the Town wherein he has his usual Place of Abode, shall equip himself, and be constantly provided with a good Fire-Arm, with a Steel or Iron Ramrod, and a Spring to retain the same, a Worm, Priming Wire and Brush, and a Bayonet fitted to his Gun, a Scabbard and Belt therefor, and a Cutting Sword, or a Tomahawk or Hatchet, a Pouch containing a Cartridge Box, that will hold fifteen Rounds of Cartridges at least, a Hundred Buck Shot, a Jack-Knife and

Articles of Equipments.

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Tow for Wadding, six Flints, one Pound of Powder, forty Leaden-Balls fitted to his Gun, a Knapfack and Blanket, a Canteen or Wooden Bottle sufficient to hold one Quart. And all Parents, Masters and Guardians, shall furnish and equip those of the Militia which are under their Care and Command, with the Arms, Equipments, and Accoutrements aforesaid: And where the Selectmen of any Town shall adjudge any Person belonging to the Militia of their Town unable to equip, and arm himself as aforesaid, such Selectmen shall in Writing under their Hands certify the same to the Captain or commanding Officer in whose Company such Person may be, and shall at the Expence of such Town provide for, furnish, arm and equip such Person with such Arms and Equipments; which Arms so provided by such Selectmen, shall be the Property of the Town at whose Expence they shall be provided; and if any Non-commissioned Officer or Soldier, shall embezzle or destroy the same, he shall be punished at the Discretion of the Justice, or Court before whom he may be convicted thereof, by paying double the Value of the Arms or Accoutrements so wilfully destroyed or embezzled; and on Default thereof, to be publicly whipped not exceeding twenty Stripes: And the Selectmen of each and every Town shall provide at the Expence of the Colony, and deposit and keep in some safe Place for the Use of the Militia upon an Alarm—one sixteenth Part so many Spades, or Iron Shovels with Handles, and fitted for Service, as there are Rateable Polls in their Town; one half as many narrow Axes as Spades and Iron Shovels, and as many Pick-Axes, as narrow Axes, all fitted for Service, and at the Cost and Charge of their respective Towns; one Drum, and one Fife for each Company therein. And the Freeholders and Inhabitants of each and every Town in this Colony, qualified by Law to vote in Town-Meetings, are hereby impowered at a Meeting regularly warned for that Purpose, to raise Money by Tax on the Polls and Estates of the Inhabitants of their Towns, to defray all Charges arising on said Towns in Consequence of this Act.

8. *And be it further enacted by the Authority aforesaid,* That each and every Commission Officer of said Militia, who shall not within one Month next after receiving his Commission, provide for, arm and equip himself with such Arms and Accoutrements, as is by this Act directed, shall by Order of a Court Martial appointed, as by this Act is provided, be removed from his Office. And every commissioned Officer, who shall be deposed from his Office in the Militia for Neglect of Duty, or other Misdemeanor, as by this Act is provided, shall receive no Benefit from any Commission, which he shall be thus incapacitated to execute to exempt him from Military Duty.

9. *And be it further enacted,* That the Clerk of each and every Company of said Militia, shall once every six Months after the Time of his Choice or Appointment, take an exact List of his Company, and of each Man's Equipments respectively, and present the same to the Captain or commanding Officer thereof; a Copy whereof the Captain or commanding Officer of said Company, shall immediately deliver to the Colonel or commanding Officer of the Regiment he belongs to; and the Colonel shall, without Delay, return the Number therein contained to the Brigadier, and the Brigadier shall as soon as may be, return the same to the first Major-General, and he shall forthwith return the same to the Council.

10. *And be it further enacted by the Authority aforesaid,* That every Brigadier shall review each Regiment of his Brigade twice a Year, and oftner if the Council shall order it, and on Default thereof, shall be liable to be removed from his Office: And when the Captain or commanding Officer of any Company of such Militia shall choose to call his Company together, or shall be ordered by his superior Officer to do it, to examine their Arms, or instruct them in the Exercises, which from Time to Time shall by the General Court be ordered for them, he shall notify and warn them of the Time and Place of Meeting, in such Manner as his Colonel shall appoint therefor; and each and every Company shall be mustered eight Times a Year at least, including their Regimental-Musters.

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11. *And be it further enacted*, That if the commanding Officer of any Regiment, shall neglect to call his Regiment together at such Time and Place, and in such Manner as his Brigadier shall order, and be thereof convicted before a Court Martial appointed, as is in this Act provided, he shall be liable to be removed from his Office; and if any Captain or Subaltern, shall prove disobedient on a Training or Mustering-Day, or shall not draw out the Company he commands, being ordered by his superior Officer thereto, he shall be liable to be removed from his Office by a Court Martial appointed, as by this Act is provided: And when any Commission Officer shall be removed from his Office as aforesaid, he shall be held incapable of holding any Military Office in said Militia, for the Space of three Years next after Sentence declared against him; and when any Captain or Subaltern shall be removed from his Office as aforesaid, the commanding Officer of the Company wherein such incapacitated Person used last to command, shall call the Company together, including the Alarm List, and direct them in the Presence of one of the Field Officers of the Regiment, who shall preside as Moderator, to choose some other Person in his Room, and the Person so chosen, on his Choice being certified, as is in this Act provided for the Choice of Captains and Subalterns, shall by the Council be commissioned accordingly. And if the said Company at any Time shall neglect or refuse to choose one or more Commission Officer or Officers for the same, after being called together for that Purpose, as is directed by this Act, the Field Officers, or the major Part of them, shall recommend to the Council such Person or Persons within the Limits of said Company, as they shall think most capable of the said Office. And the Council shall commissionate them in the same Manner as if they had been chosen by the Company; and if any Non-commissioned Officer or private Soldier, being duly notified of the Time and Place appointed for the Company to which he belongs, to meet on a Training or Muster-Day, shall unnecessarily neglect to appear with such of the aforesaid Arms, Accoutrements and Equipments, as he shall be possessed of, being ordered by his Officer to bring the same, shall pay a Fine not exceeding the Sum of *twenty Shillings*, nor less than *five Shillings*, or if he shall be Disobedient, or Disorderly on a Training, or Muster Day, he shall Pay a Fine not exceeding the Sum of *twenty*, nor less than *one Shilling*; and all Fines and Forfeitures of Money, arising by Breach of this Act for Disobedience or Failure of Appearance on a Training Day, shall be recovered by Complaint before a Justice of the Peace, by the Clerk of the Company to which the Delinquent belongs, an Appeal being allowed to either Party, to the Inferior Court of Common Pleas, as in other Actions: And if on such Complaint, Judgment shall be given in Favor of such Clerk, he shall have his legal Cost allowed him. *Provided nevertheless*, That when any Non-commissioned Officer or Soldier, shall neglect to appear as aforesaid on a Training or Muster Day, and shall within fifteen Days next after such Training or Muster, make his Application to the Officers of said Company, or the major Part of them, and pay such Fine as they shall order, not exceeding *twenty*, nor less than *five Shillings*, or shall obtain their Excuse, and present a Certificate of the same under their Hands to the Clerk, it shall be a Bar to any further Action or Complaint against him for such Offence.
12. *And be it further enacted by the Authority aforesaid*, That the said Militia, as well Officers, as private Soldiers, when drawn out, or ordered to be drawn out on an Alarm for the immediate Defence of this, or any other of the United Colonies of *America*, shall from Time to Time be under such Laws or Articles of War and Regulations, as shall be provided by the General Court.
13. *And be it further enacted*, That the Major-Generals and Brigadiers of said Militia, shall be amenable to, and triable before the Council of the Colony, for all Crimes and Misdemeanors in their Office, and for Treachery, Cowardice, Fraud, or Neglect of Duty, and lawless Exercise of Power, shall be liable to be removed from their Offices respectively. And if any Field Officer shall be

Penalty for Colonels neglecting to call their Regiments together.

Penalty for non commissioned Officers and Soldiers neglecting to appear equipt

The mode of recovering Fines & Forfeitures arising by breach of this Act.

The Militia to be under such Laws as shall be provided by the General Court.

All the Generals to be amenable to and triable before the Council for all Crimes & Misdemeanor in their Office

guilty

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- Field Officers to be tried for Breach of Duty before a Court Martial of Field Officers. guilty of any Misdemeanor, or Breach of Duty in Violation of this Act, the Brigadier, to whose Brigade he belongs, shall appoint a Court Martial, consisting of a Majority of the Field Officers of the same Brigade, to try him : And when any Captain, Adjutant or Subaltern, shall be guilty of Breach of Duty, or Misdemeanors against this Act, the Colonel, or commanding Officer of the Regiment he belongs to, shall order a Court Martial, to consist of a Majority of the commissioned Officers of the same Regiment, who live nearest to the Delinquent, to try him ; which Court Martial shall respectively have full Power, for Treachery, Cowardice, Fraud, Failure of Duty, or wanton Exercise of Power, to remove from his Office such Commission Officer or Officers.
- Captains and Subalterns by a Court Martial of commissioned Officers. *14. And whereas Bribery and Corruption has been the Destruction of many great and opulent Nations, and therefore every Species thereof should be discountenanced by a virtuous and patriotic People : And whereas on treating the Election of Officers has a manifest Tendency to injure a free People, and does on Training Days, in a great Measure, subvert the Design of calling the Militia together :*
- Penalty for Bribery. *It is therefore enacted by the Authority aforesaid, That if any Officer, on any Training or other Muster Days, shall give, or provide any Treat of Victuals or Drink, for the Company he commands, directly or indirectly, he shall be liable to be removed from his Office, by a Court Martial, as by this Act is provided for other Offences.*
- Penalty for firing Guns unnecessarily on Training Days. *15. And be it further enacted, That no Soldier, or Non commissioned Officer, shall unnecessarily discharge or fire his Gun on a Training or Muster Day, without the express Order or Licence of his Superior Officer, under such Penalty, as is herein provided for Disobedience, or disorderly Behaviour on such Days.*
- Commanding Officer to affirm the Sentence of Courts Martial. *16. Be it further enacted, That no Sentence of any Court Martial shall be put in Execution, without being affirmed by the Officer who shall have appointed the same.*
- Who constitute the Alarm List. *17. And whereas by the first Section of this Act, certain Orders of Men are exempt from common and ordinary Trainings : And whereas the present Situation of this Colony calls loudly for the Aid of all its Inhabitants ; and many of those Persons who are by said Section so exempted, and others not included in that Part of the Militia, called the Training Band, are able and willing to fight in Defence of their Country :*
- Persons excepted. *It is therefore enacted by the Authority aforesaid, That all the Male Persons from sixteen Years of Age to sixty-five, not included in that Part of the Militia called the Training Band, and exempted by the first Section of this Act, from common and ordinary Training, shall constitute an Alarm List in the Colony ; excepting Members of the Council, of the House of Representatives, and American Congress, for the Time being, the Secretary of the Colony, Ministers of the Gospel, the Denomination of Christians called Quakers, Selectmen for the Time being, and Negroes, Indians and Molatoes ; and if of sufficient Ability, in the Judgment of the Selectmen of the Town, where they have their usual Place of Abode, shall respectively provide for, and equip themselves with such Arms and Accoutrements, as by this Act is directed for those of the Training Band, in the Militia aforesaid ; and shall, in case of an Alarm, be under the Command of such Officers of the Militia, as by this Act is directed, Provided, that no Person above sixty Years of Age, nor such Millers and Ferry-men, as the Selectmen of their Town shall judge necessary to excuse therefrom, shall be compelled to march out of the Town wherein they have their usual Place of Abode.*
- The Alarm List to serve in Time of Action in a separate Corps. *Provided also, and it is enacted by the Authority aforesaid, That all such Persons belonging to the Alarm List, who are by this Act liable, in case of an Alarm, to be called to march, and serve without the Limits of the Town where they have their usual Abode, shall not be obliged to march, or serve in the Ranks with such as belong to the Training Band List ; but, if Necessity shall require,*

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require, shall march, and serve in a separate Body and Corps by themselves, Not to be under the immediate Command of some Field Officer or Officers; and shall not be subject to the Command of any Officer or Officers, inferior to a Field Officer; nor shall the Judges, Justices and Sheriffs, in actual Commission, who shall have taken the Oath required by Law to qualify them for the Execution of their respective Offices, be subject or liable to be called out of the Towns, where they shall have their usual Abode, by any Officer inferior to the Colonel of a Regiment to which they belong: And the Clerk of each Company shall, when he takes a List of the Training Band, take an exact List of the Persons belonging to the Alarm List in his Company, and shall present the same to his Captain, with that of the Training Band; and the Captains, and all Officers, shall make the same Return of them, as of the rest of the Militia. And an Alarm may be made by firing three Guns one after another, or by firing a Beacon, the Drums beating an Alarm, all Persons being called upon to arm: Upon which all the trained Soldiers, and others capable to bear Arms, who are then resident in any Town, shall forthwith appear compleat, with their Arms and Ammunition, at the usual Place of Rendezvous, or where the chief Officer shall appoint; there to attend such Command as shall be given for the common Defence, agreeable to this Act.

18. *And be it further enacted*, That the Captain, or commanding Officer of every Company in this Colony, shall once every six Months, on one of the Days that he shall muster those of his Company belonging to the Training Band, call those of the Alarm List, within the Limits of the same together, within the Town where they are Inhabitants, and examine their Arms and Accoutrements; and if any such Person, belonging to the Alarm List, shall unnecessarily neglect to appear, after being duly warned, with his Arms and Accoutrements, he shall be liable to pay the same Fine, as is provided against those of the Training Band, in like Cases offending: And all Fines and Forfeitures, arising by Breach of this Act, against any of the said Alarm List, shall be recovered in the same Manner, as is provided for recovering the same against those of the Training Band, in like Case offending: And all those Persons in the Alarm List, shall be as capable of being elected to any Office in the said Militia, as if they were in the Training Band. And no Person belonging to, or being a Part of the established Forces of the United American Colonies, or of this Colony, shall, during the Time of his Engagement in the Services aforesaid, be elected to, or hold any Office in the Militia of this Colony.

19. *And be it further enacted by the Authority aforesaid*, That there shall be appointed by the General Assembly, a Deputy-Commissary for every Brigade; a Certificate of which Appointment, shall be sent them by the Secretary; and they shall be duly sworn to a faithful Discharge of the said Office: Which Deputies shall be accountable to, and obey the Commands in Matters respecting their Office, of the Commissary of this Colony. And when the Militia of any Town in the Colony, or a Part thereof, shall be drawn forth for the immediate Defence of this, or any of the United Colonies aforesaid, each Officer and Soldier shall provide for himself, at least three Days Allowance of Provisions: and the Selectmen of such Town shall immediately cause Carriages to attend them with further necessary Provisions, and Utensils to cook the same, and shall continue sending to the Commissary, or his Deputy, sufficient Supplies for the Part of the Militia, from their respective Towns aforesaid, until Certificates shall be given by the Commissary, or his Deputy, in the County from which said Militia goes, that the same can be otherwise supplied: And the Selectmen are directed to cause their Accounts of the Provision aforesaid, that shall be supplied by them, or such of the Utensils as shall be lost or damaged, together with the Charges of Transportation, to be laid before the General Court for Allowance, and to produce Receipts from the Commissary, or his Deputies, for such a Part thereof as shall be delivered to them respectively.

Not to be subject to the Command of any Officers, inferior to a Field Officer.

Alarm List to be mustered twice a Year.

Penalty for neglecting to appear.

No Person belonging to the Army of the United Colonies, to be capable of holding any Office in the Militia.

A Deputy-Commissary to be appointed for every Brigade.

His Duty.

20. *And*

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*Militia.*Powder and
Ammunition
to be kept in
each Town,

20. *And be it further enacted,* That there shall be a Stock of Powder and Ammunition in each Town provided, and constantly kept; which shall be one Barrel of good Gunpowder, containing one Hundred Pounds, three Hundred Weight of Leaden Balls of different Sizes, and Buck Shot, and three Hundred Flints for every sixty Soldiers of the Training Band, and the same Proportion for any greater or lesser Number; and the Selectmen of every Town in this Colony, shall procure and provide such Stock of Ammunition, as soon as may be; and the Selectmen of each Town shall be, and hereby are, impowered to raise Money by Tax, on the Polls and Estates of their Town, for the Purposes aforesaid, by the same Rule as other Town Charges are assessed; and shall by Warrant under their Hands, commit the same to the Constable or Constables of their Town, who are hereby impowered and directed to collect the same, in the same Manner as is provided for the Collector of other Taxes, and shall be held to pay the same to the Town Treasurer, as other Taxes, and shall be liable, in Case of Default, to have the same levied of them by an Execution from the said Treasurer, as in other Cases of a delinquent Constable is provided: And the said Treasurer is hereby impowered to award the same.

And Military
Watches.Penalty for
Neglect.

21. *And be it further enacted,* That there be Military Watches appointed, and kept in every Town, at such Time, and in such Places, and in such Numbers, and under such Regulations, as the Commission Officers of such Town shall appoint, or as they may receive Orders from the chief Officer of their Regiment; and that all Persons within the Training Band, or Alarm List, under sixty Years of Age, shall by themselves, or some meet Person in their Stead, to the Acceptance of the Commander of the Watch, attend the same, on Penalty of *five Shillings* for each Defect, there having been due Warning given. And the Commission Officers, or the major Part of them of any Town, are hereby ordered and directed, to proportion the Burthen of such Watches, equally on those in the Training Band, and Alarm List, excepting such as are more than sixty Years of Age as aforesaid, under the Penalty of being dealt with in the Manner provided by this Act against those who shall be guilty of Fraud, or the lawless Exercise of Power.

The Disposition
of the
Fines arising
by Breach of
this Act.

22. *And be it further enacted,* That each and every Fine and Forfeiture arising by Breach of this Act, when recovered, shall be paid to the Treasurer of the Town in which the Person offending has his usual Place of Abode, to be by the Selectmen of such Town appropriated to the Use of purchasing Guns and Accoutrements, for those who are unable to purchase the same for themselves; and for purchasing Drums and Fifes, and to be drawn out by the Selectmen of each Town from Time to Time, as there shall be Occasion.

Two Field-
Pieces to be
provided,and two Com-
panies of Ma-
troffes to be
raised in each
Brigade,

23. *And be it further enacted by the Authority aforesaid,* That each Brigadier of this Colony, shall keep constantly provided, at the Expence of the same, two good Field Pieces, that shall carry a Shot of not more than six, nor less than two Pounds Weight, mounted on good and substantial travelling Carriages; together with Harnesses, Rammers, Ladles, Sponges, Powder-Horns, and other necessary Accoutrements for the same; and shall also keep constantly provided at the Expence of the Colony, for each Field Piece as aforesaid, forty Rounds of Iron Shot, forty Cases of Iron or Leaden Ball, and eighty Rounds of Powder, with Cartridges for the same; and shall likewise cause a Company of Matroffes to be enlisted in his Brigade, for each Field Piece: Which Companies shall consist of thirty-six Men each, including Officers, and be chosen from two separate Regiments, and one Town in each Regiment, as the Brigadier shall direct; and shall respectively choose Captains, and other proper Officers, and be subject to the Field Officers of their respective Regiments, and to the same Laws and Regulations, as are provided in this Act, for the other Companies of the Train-Band; any Thing in this Act notwithstanding.

C H A P.